

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Labour

Notification

26/8/92-LAB

The following draft amendment which the Government of Goa proposes to make to the Goa, Daman and Diu Factories Rules, 1985, is hereby pre-published as required by section 115 of the Factories Act, 1948 (Central Act 63 of 1948), for information of the persons likely to be affected thereby, and notice is hereby given that the said draft amendment will be taken into consideration by the Government of Goa on the expiry of three months from the date of publication of this Notification in the Official Gazette.

Any objections or suggestions to the said draft amendment may be forwarded to the Secretary to the Government of Goa, Labour Department, Secretariat, Panaji, before the expiry of three months from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act 63 of 1948), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Factories Rules, 1985, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Factories (Sixth Amendment) Rules, 1995.

(2) They shall come into force at once.

2. *Amendment of rule 118.*— For rule 118 of the Goa, Daman and Diu Factories Rules, 1985 (hereinafter referred to as the 'principal Rules'), the following shall be substituted, namely:—

"118. *Persons defined to hold position of supervision or management or employed in a confidential position.*— (1) In a factory, the following persons shall be deemed to hold positions of supervision or management within the meaning of sub-section (1) of section 64 of the Act, provided they are not required to perform manual labour

or clerical work as a regular part of their duties, namely:—

- (i) The Manager, Deputy Manager, Assistant Manager, Production Manager, Work Manager and the General Manager;
- (ii) Departmental Head, Assistant Departmental Head, Departmental In-charge or Assistant Departmental In-charge;
- (iii) Chief Engineer, Deputy Chief Engineer and Assistant Engineer;
- (iv) Chief Chemist, Laboratory In-charge;
- (v) Personnel Manager, Personnel Officer;
- (vi) Labour Officer, Assistant Labour Officer;
- (vii) Welfare Officer, Additional Welfare Officer or Assistant Welfare Officer;
- (viii) Safety Officer;
- (ix) Security Officer;
- (x) Foreman, Chargeman, Overseer, and Supervisor;
- (xi) Jobber in Textile Factories;
- (xii) Head Store-Keeper and Assistant Store-Keeper;
- (xiii) Boiler Sarang or such Boiler Attendants who are in-charge of a battery of boilers and are only required to do supervisory work; and
- (xiv) Any other person who, in the opinion of the Chief Inspector, holds a position of supervision or management and is so declared in writing by him.

(2) In a factory, the following persons shall be deemed to be employed in a confidential position within the meaning of sub-section (1) of section 64 of the Act, namely:—

- (i) Stenographer or Telex Operators;
- (ii) Office Superintendent;
- (iii) Head Clerk, where there is no Office Superintendent;
- (iv) Head Accountant and Head Cashier;
- (v) Head Time Keeper; and
- (vi) Any other person who, in the opinion of the Chief Inspector, is employed in a confidential position and is so declared in writing by him.

(3) Any dispute as to whether a person, by virtue of the nature of his duties, falls in any of the definitions, given in sub-rules (1) or (2) above, shall be decided by the Chief Inspector by passing an order in writing which shall be final.

(4) On an application made by the occupier or manager of a factory, the Chief Inspector may declare in writing any person other than the persons defined in sub-rules (1) and (2) above, as a person holding a position of supervision or management or employed in a confidential position in a factory, if in the opinion of the Chief Inspector, such person holds such position or is so employed.

(5) All declarations of the nature described in sub-rule (4) of this rule, made by the Chief Inspector under the provisions of any earlier rules in that behalf, shall be deemed to have been made under sub-rule (4), and shall continue to remain in force".

3. *Amendment of rule 119.*—For rule 119 of the principal Rules, the following shall be substituted, namely:—

"119. *List of persons defined in rule 118 and overtime muster-roll and slips.*—(1) A list showing the names and designations of all persons defined in rule 118 shall be maintained in every factory and it shall be made available for inspection to the Inspector at all times when work is being carried on in any factory.

(2) Where the ordinary rate of wages of any of the persons whose name is shown in the list maintained under sub-rule (1) of this rule does not exceed rupees sixteen hundred per month, the manager of the factory shall—

(a) maintain a muster-roll in Form 17 as specified under rule 113, in respect of such persons, and

(b) issue overtime slips as specified under rule 114, to such persons."

4. *Amendment of rule 120.*—For rule 120 of the principal Rules, the following shall be substituted, namely:—

"120. *Exemption of certain adult workers.*—Adult workers engaged in factories specified in column 2 of the Schedule hereto annexed, on the work specified in column 4 of the said Schedule, shall be exempt from the provisions of the sections specified in column 5 thereof, subject to the conditions, if any, specified in column 6 of the said Schedule; and also subject to the following conditions, namely:—

(i) No woman workers shall be required or allowed to work for more than nine hours in any day;

(ii) except in respect of exemption under clause (a) of sub-section (2) of section 64 of the Act, the following limits of work inclusive of overtime shall be observed, namely:—

(a) the total number of hours of work in any day shall not exceed ten;

(b) the spreadover, inclusive of intervals for rest, shall not exceed twelve hours in any one day;

(c) the total number of hours in a week, including overtime, shall not exceed sixty; and

(d) the total number of hours of overtime shall not exceed fifty for any one quarter:

Provided that, the limits imposed by sub-clauses (a) and (b) above shall not apply in the case of a shift worker engaged in factories specified against category and No. X(1) to (39) in the Schedule hereto if the said worker is allowed to work the whole or part of the subsequent shift in the absence of a worker who has failed to report for duty.

SCHEDULE

Category No.	Class of Factories	Exemption under Section	Nature of exempted work	Exemption from Section	Conditions
1	2	3	4	5	6
(I)	All factories	64 (2) (a) and 64 (3) for urgent repairs and for consequential exemptions from the provisions of section 61.	<p>Urgent repairs, <i>Explanation.</i>—Urgent repairs for the purposes of this exemption shall mean (a) repairs to any part of machinery, plant or structure of a factory, which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of the manufacturing process;</p> <p>(b) repairs to deepsea-ships and repairs to commercial aircrafts which are essential to enable such ships or aircrafts to leave port at proper time or continue their normal operations in sea-worthy or air-worthy conditions, as the case may be, and</p>	51, 52, 54, 55, 56 and 61	(i) The occupier or manager of the factory shall send to the inspector a notice within 24 hours of the commencement of the work, stating therein the precise nature of urgent repairs, the exact time of the commencement of such work and the list of all persons employed on such work. A copy of such notice shall be displayed in the factory as provided under section 103 (2) of the Act within 25 hours of the completion of the work of urgent repairs and a notice to that effect shall be sent to the inspector, alongwith the copy of entries made in Form 18 in respect of every worker mentioned in the earlier notice.

1	2	3	4	5	6
			(c) repairs in connection with a change of motive power e.g. from steam to electricity or vice versa when such work cannot possibly be done without stoppage of the normal manufacturing process: Provided that urgent repairs shall not include periodical cleaning and maintenance work.		(ii) No worker shall be allowed or required to work on such repairs for more than 15 hours on any one day, 39 hours during any 3 consecutive days or 66 hours during each period of seven consecutive days commencing from his first employment on such work.
					(iii) if the Inspector is of the opinion that any work being carried on in a factory as 'Urgent Repairs' is not 'Urgent repairs', the Inspector shall serve on the manager an order to that effect and the manager shall in respect of such work not require any worker to work in contravention of the provisions of sections 51, 52, 54, 55 and 56 and shall comply with section 61 of the Act.
					(iv) No worker shall be required or allowed to work for the period of more than six hours before he has had an interval of rest or food of at least half an hour.
					(v) Provisions of section 53 of the Act and rules 113 and 114 of the rules shall be complied with.
(II) All factories except those on continuous process	64 (2) (b) for work in the nature of preparatory or complementary work	(a) Maintenance work in connection with the mill gearing, the electric driving of lighting apparatus, the mechanical or electrical lifts or hoists and steam or water pipes or pumps of the factory;	51, 54, 55 and 56	(i) No worker shall be required or allowed to work on shifts of longer than 8 hours duration.	
		(b) Departmental oilers, and		(ii) Intervals for food and rest shall be given to all workers allowed to work on such work.	
		(c) Workers attending to the starting, stopping and maintaining electrical motors and connected switch gears.		(iii) Provisions of rules 113 and 114 shall be complied with.	
(III) All factories	64 (2) (e) for which is necessarily intermittent in nature	(1) (a) Work performed by drivers on lightning, ventilating and humidifying apparatus.	51, 54, 55 and 56	(i) No worker shall be required or allowed to work on shifts of longer than 8 hours duration.	
		(b) Work performed by fire-pumpmen and all personnel on the fire-fighting staff.		(ii) Intervals for food and rest shall be given to all workers allowed to work on such work.	
		(2) Telephone Operators and Telex Operators.		(iii) Provisions of rules 113 and 114 shall be complied with.	
(IV) All factories	64 (2) (h) for work in the engine room, boiler house, power plants or transmission machinery	Workers engaged in engine rooms or boiler house attending to power plant or transmission machinery or the prime movers.	51, 52	Provisions of section 53 of the Act and rules 113 and 114 of the Rules shall be complied with.	
(V) All factories	64 (2) (i) work of loading and unloading.	Workers engaged in the loading or unloading of railway wagons or lorries, trucks and tankers or the loading and unloading at jetties.	51, 52, 54, 55, 56, 61	(i) No worker shall be required or allowed to work on shift of longer than 8 hours duration.	
				(ii) Intervals for food and rest shall be given to all workers allowed to work on such works.	
				(iii) Provisions of section 53 of the Act and rules 113 and 114 shall be complied with.	

1	2	3	4	5	6
(VI) Carbonic Acid Gas factories	64 (2) (b) for work in the nature of preparatory complementary work.	Work of firemen to light lye-boiler.	51, 54, 55		(i) This exemption shall be availed of only on the day on which the plant is restarted after a closure. (ii) No worker shall be required or allowed to work on shifts of longer than 8 hours duration. (iii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iv) Provisions of rules 113 and 114 shall be complied with.
(VII) (1) Cloth Printing factories or department	64 (2) (b) work in the nature of preparatory or complementary work.	Work in the nature of preparatory or complementary to main operations of printing, sanforizing, finishing and mercerising of cloth.	51, 54 and 56		Provisions of rules 113 and 114 shall be complied with.
(2) Cotton Spinning and Weaving Mills	— do —	Work involved in clearing blow room flues.	— do —		— do —
(3) Film Studios	— do —	All work in the nature of preparatory or complementary work which is necessary for the shooting of films.	— do —		— do —
(VIII) Dyeing or bleaching factories or departments	64 (2) (b) for work in the nature of preparatory or complementary work.	Work performed by kiemen.	51, 54, 55 and 56		(i) No workers shall be required or allowed to work on shifts of longer than 8 hours duration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iii) Provisions of rules 113 and 114 shall be complied with.
(IX) (1) Brick factories	64(2) (b) for work which for technical reason must be carried on continuously.	Work of Firemen on Kilns.	55		(i) No worker shall be required or allowed to work on shifts of longer than 8 hours durations. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work.
(2) Cashew Nut factories	— do —	Oil extraction Work.	55		— do —
(3) Cloth Printing and processing factories	64(2) (d) for work which for technical reason must be carried on continuously.	Work of cloth printing, bleaching, finishing, mercerising, raising, dyeing, singeing and sanforizing.	55		(i) No worker shall be required or allowed to work on shifts of longer than 8 hours duration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work.
(4) Collapsible tube manufacturing factories	— do —	Works of painting, coating, drying of collapsible tubes if carried on in a continuous process.	55		— do —
(5) Cycle manufacturing, Automobile manufacturing and manufacture of steel furniture	— do —	Work of painting and enamelling section and service automatic plating plant.	55		— do —

1	2	3	4	5	6
(6) Enamelled Wire manufacturing factories	64 (2) (d) for work which for technical reason must be carried on continuously.	Work of enamelling of wires	55	(i) No worker shall be required or allowed to work on shifts of longer than 8 hours duration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work.	
(7) Ferrous and Non-ferrous metal factories	— do —	Work on Hot Rolling.	55	— do —	
(8) Flour Mills	— do —	All work.	55	— do —	
(9) Gum Industry	— do —	Work performed in connection with slitting, dehusking, grinding and packing.	55	— do —	
(10) India Government Mint.	— do —	Melting Department including dress washing.	55	— do —	
(11) Leather Cloth factories	— do —	Working of continuous coaring of PVC drying, fusing in hot air oven and embossing.	55	— do —	
(12) Lime Bhatties	— do —	Work employed on Bhatties.	55	— do —	
(13) Oil Mills	— do —	All continuous process work.	55	— do —	
(14) Ordnance factories	— do —	Work in melting shop swarf-anneal in furnace gas producers, electrical substations and water distribution departments.		— do —	
(15) Pharmaceutical factories	— do —	All continuous process work	55	— do —	
(16) Plastic factories	— do —	Work on plastic injection moulding machine and extrusion machine	55	— do —	
(17) Pottery works	— do —	Work on fireman on kilns	55	— do —	
(18) Shellac factories	— do —	Workers employed on kilns	55	— do —	
(19) Smelting and Refining factories	— do —	(1) Work on the reducing furnace (2) All continuous process work in connection with electrolytic refining	55	— do —	
(20) Soap factories	— do —	Work on soap building pans and soap drying pans	55	— do —	
(21) Sodium and potassium bichromate factories	— do —	All works	55	— do —	
(22) Spinning and Weaving Mills	— do —	Work on hot air sizing machine	55	— do —	

1	2	3	4	5	6
(X) (1) Acetylene factories	64 (2) (d) for work which for technical reasons must be carried on continuously	Generation of Gas and filling of cylinders	51, 52, 54, 55 and 56	(i) No worker shall be required or allowed to work on shifts of longer than 8 hours duration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iii) Provisions of rules 133 and 114 shall be complied with. (iv) Compliance with section 53 of the Act shall be made in such way that such workers shall be allowed not less than two holidays in each period covered by four consecutive statutory holidays under section 52(1) of the Act. (v) In the absence of a worker who has failed to report for duty, a shift worker may be allowed to work the whole or part of the subsequent shift provided that the next shift of that worker shall not commence before a period of 16 hours has elapsed after the specified stopping time of the shift to which he belongs.	
(2) Carbonic Acid gas works	— do —	Work of firemen, pumpmen, plan driver, boilers and the filling of cylinders	— do —		— do —
(3) Carbonic Acid gas solidification works	— do —	All works except packing blocks	— do —		— do —
(4) Cement factories and asbestos cement factories	— do —	All continuous process work	— do —		— do —
(5) Chemical factories	— do —	All continuous process work	— do —		— do —
(6) Chemical products factories	— do —	Process of manufacturing activated carbon	— do —		— do —
(7) Cinematographic films processing factories	— do —	Work on developing and washing processes	— do —		— do —
(8) Coal gas factories	— do —	All work in the retort house and on the water gas plant. Work of the male yard labour staff in unloading coal, feeding hoppers and removing coke, work on the syphons, boilers, station metres and governors	— do —		— do —
(9) Computer installations	— do —	All works	— do —		— do —
(10) Confectionery manufacturing Departments or factories	— do —	Manufacturing of malted chocolate flavoured food and chocolate making	— do —		— do —
(11) Crude Mineral Oil and Petrol-Chemical Refining factories	— do —	(a) All continuous process work performed by the plant operators, fire operators, laboratory testers and analysts, maintenance and instrument personnel connected with continuous process work, dressers and sample carriers	— do —		— do —
(12) Dextrine Manufacturing factories	— do —	All continuous process work	— do —		— do —
(13) Distilleries	— do —	Work on the extraction of sugar from various bases, fermentation of sugarcane juice and distillation of fermented wash	— do —		— do —
(14) Electrical accumulators charging departments of factories	— do —	Operations in connection with charging electrical accumulators	— do —		— do —

1	2	3	4	5	6
(15) Electrical receiving stations and sub-stations	64(2) (e) for work which for technical reasons must be carried on continuously	Operation and maintenance of transformers and their auxiliaries including receiving and distribution switch gear, lightning arrestors synchronous and other condensers and rotary and static condensers.	51, 52, 54, 55 and 56	(i) No worker shall be required or allowed to work on shifts of longer than 8 hours (ii) Intervals for food and rest shall be given to all workers allowed to work on such work (iii) Provisions of rules 113 and 114 shall be complied with (iv) Compliance with section 53 of the Act shall be made in such a way that such workers shall be allowed not less than two holidays in each period covered by four consecutive statutory holidays under section 52(1) of the Act (v) In the absence of a worker who has failed to report for duty, a shift worker may be allowed to work the whole or part of the subsequent shift provided that the next shift of that worker shall not commence before a period of 16 hours has elapsed after the specified shopping time of the shift to which he belong	
(16) Electronic Components factory	— do —	Welding, lacquering and colour coding of carbon registers	— do —	— do —	
(17) Ferrous and non-ferrous metal factories	— do —	Hot rolling	— do —	— do —	
(18) Glass factories	— do —	All continuous process work including cartoning and packing carried out in continuous chain	— do —	— do —	
(19) Glycerine factories	— do —	All continuous process work	— do —	— do —	
(20) Hydraulic pumping stations	— do —	All work	— do —	— do —	
(21) Ice factories	— do —	Work of the engine and compressors drivers and assistants and oilers	— do —	— do —	
(22) Magnesium Chloride factories	— do —	The work on concentrating process	— do —	— do —	
(23) Milk Dairies	— do —	All work of receiving, chilling, processing of milk by pasturisation, storage, bottling and packing of milk	— do —	— do —	
(24) Oil tank installation	— do —	(a) Work performed by workers in connection with pumping operations (b) Work performed by furnacemen and firemen (c) Work performed by safety operators	— do —	— do —	
(25) Oxygen factories	— do —	Engine and plant drivers, oilers and the filling of the cylinders	— do —	— do —	
(26) Paper, cardboard and strawboard factories	— do —	Work performed on choppers digester, kneaders, strainers and washers, beaters, paper making machines, pumping plants, reelers and cutters	— do —	— do —	

1	2	3	4	5	6
(27) Pharmaceuti- cal factories	64 (2) (e) for work which for technical reasons must be carried on continu- ously	All continuous process operations in chemical plant	51, 52, 54 55 and 56	(i) No worker shall be required or allowed to work on shifts of longer than 8 hours du- ration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iii) Provisions of rules 113 and 114 shall be complied with. (iv) Compliance with section 53 of the Act shall be made in such a way that such workers shall be allowed not less than two holidays in each period covered by four consecutive statutory holidays under sec- tion 52(1) of the Act. (v) In the absence of a worker who has failed to report for duty, a shift worker may be allowed to work the whole or part of the subsequent shift provided that the next shift of that worker shall not com- mence before a period of 16 hours has elapsed after the specified stopping time of the shift to which he belong.	
(28) Phonograph Disc, manu- facturing factories	— do —	Work performed in matrix de- partment	— do —	— do —	
(29) Potassium Chlorate factories	— do —	Work in the cell room	— do —	— do —	
(30) Public elec- tricity supply factories ge- nerating electricity in any man- ner and those engine rooms and boiler departments generating electricity in any manner	— do —	Operation and maintenance of Primemovers and auxiliaries, generators, transformers and switch gears, also engines and boilers and their auxiliaries	— do —	— do —	
(31) Public pump- ing and com- pressor stations	64(2) All work (d) for work which for te- chnical rea- sons must be carried on continuously		— do —	— do —	
(32) Rubber Tyre and rubber factories	— do —	All work on curring process of rubber	— do —	— do —	
(33) Silver Re- fineries	— do —	All work	— do —	— do —	
(34) Soap factories	— do —	(a) All continuous process work in continuous soap making plants. (b) All continuous process work in synthetic detergent plants including cartoning and pac- king carried out in a con- tinuous chain.	— do —	— do —	
(35) Sodium and potassium bichromate factories	— do —	Work in furnace and crys- talisers.	— do —	— do —	
(36) Starch facto- ries	— do —	All work except the engi- neering department and workshops.	— do —	— do —	

1	2	3	4	5	6
(37) Sugar factories	64 (2) All work (d) for work which for technical reasons must be carried on continuously.	Operations beginning with receiving and weighing of sugarcane and ending with bagging of sugar.	51, 52, 54 55 & 56	(i) No worker shall be required or allowed to work on shifts of longer than 8 hours duration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iii) Provisions of rules 113 and 114 shall be complied with. (iv) Compliance with section 53 of the Act shall be made in such a way that such workers shall be allowed not less than two holidays in each period covered by four consecutive statutory holidays under section 52(1) of the Act. (v) In the absence of a worker who has failed to report for duty, a shift worker may be allowed to work the whole or part of the subsequent shift provided that the next shift of that worker shall not commence before a period of 16 hours has elapsed after the specified stopping time of the shift to which he belong.	
(38) Vegetable Oil hydrogenation factories.	— do —	The work, viz. refining, bleaching, filtering, generation in of hydrogen hydrogenating and deodorizing processes, also compression of oxygen and the cylinder filling.	— do —	— do —	
(39) Factories having effluent treatment plant	— do —	All continuous process work.	— do —	— do —	
(XI) (1) All Cotton ginning factories	64 (2) (b) for work in the nature of preparatory or complementary work, 64(2) (f) for work carried out during fixed Seasons and section 64(3) for consequential exemption from section 61.	Work performed by Gin Fitters Mochies and Oillers	51, 52, 54 55, 56 and 61	All the five conditions in (X)(1), column (6). Register or Muster roll required to be maintained under section 62 of the Act shall show correctly full particulars of periods within which each such worker may be required to work, entries in the register or muster roll shall be up-to-date.	
(XII) (1) Pottery Works	64(2) (d) for work of continuous nature	Work on tunnel kilns	52 and 55	All the conditions as in (VII):	
(XIII) (1) Gur (Jaggery) Factories	64 (2) for work in the nature of preparatory or complementary work and 64 (2) (c) for work which is necessarily intermittent in nature	All work	51, 54, 55 and 56	All the conditions as in (VIII):	

1	2	3	4	5	6
(XIV) (1) News Printing Presses	64 (2) (i) for work in printing of newspaper which is held up due to breakdown of machinery	(a) All work on daily weekly newspapers.	51, 54, 55 and 56	(a) No worker shall be allowed to work for more than 56 hours in any week. (b) No overtime shall be carried on except for two days prior to the date of the publication of the weekly newspaper. (c) The exemption under this entry shall be availed of only in that section of the press where there is breakdown of machinery, and (d) Intervals for food and rest shall be given to all workers allowed to work on such work.	
(XV) (1) All factories	64 (2) (k) for work notified by the State Government as work of National importance	Workers engaged in any work which is notified by the State Government in the Official Gazette, as work of National importance.	51, 52, 54 55 and 56	All the conditions as in (X)(1) except condition (No. V).	

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 17th February, 1995.

LEGISLATURE SECRETARIAT

LA/B/1789/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 7-7-95 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 10th July, 1995.

The Goa Town and Country Planning (Amendment) Bill, 1995

(Bill No. 17 of 1995)

A BILL

further to amend the Goa, Daman and Diu Town & Country Planning Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Forty-sixth year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 1995.

(2) It shall come into force at once.

2. *Amendment of section 20.*— In sub-section (3) of section 20 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (hereinafter referred to as "the Principal Act"), after clause (ii), the following shall be inserted, namely:—

"(iia) One of MLA representing a planning area but in case in which two or more MLAs representing such planning area, one is to be nominated by the Government in this behalf;"

3. *Amendment of section 30.*— After sub-clause (3) of section 30 of the principal Act, the following shall be inserted namely:—

"(4) After the coming into operation of Outline Development Plan and defining the Zone thereof, the conversion shall be in conformity with the contents of an Outline Development Plan subject to payment of prescribed fee without approval from any Town Planning Authority."

Statement of Objects and Reasons

Act does not provide representation of Member of Legislative Assembly, representing the planning area to be a member of the Planning Development Authority.

Outline Development Plan once it is prepared as per existing provision, NOC is insisted from Town Planning Department for the conversion of land invariably, causing inconvenience to public. Hence it is proposed that once ODP defining zones are brought into force the conversion should be conversant with the provisions of ODP subject to the payment of prescribed fee without obtaining approval from Town Planning Department.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding Delegated Legislation

Clause (3) of proposed bill empowers to frame rules prescribing the fees by notifying in the Official Gazette.

Panaji,
28th June, 1995

MANOHAR PARRIKAR
M. L. A.

Assembly Hall,
28th June, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa

[Annexure to Bill No. 17 of 1995]

LA/B/1789/1994

The Goa Town and Country Planning (Amendment) Bill, 1995

The Goa, Daman and Diu Town and Country Planning Act, 1975
(Act No. 21 of 1975)

20 Constitution of Planning and Development Authority.—

(1) As soon as may be, after the declaration of the planning area, the Government, in consultation with the Board, may by notification, constitute in respect of that area an authority to be called the "Planning and Development Authority" of that area for the purpose of performing the functions assigned to Planning and Development Authorities under this Act.

(2) Every Planning and Development Authority constituted under Sub-section (1) shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) Every Planning and Development Authority constituted under sub-section (1) shall consist of the following members, namely:—

(i) a Chairman to be appointed by the Government;

(ii) a Town Planning Officer to be appointed by the Government in consultation with the Chief Town Planner who shall be the Member Secretary of the Planning and Development Authority;

(iii) representatives of local authorities, to be composed as follows:—

(a) in the case of a planning area in which only one local authority has jurisdiction, a representative nominated by that local authority from among its members and the Chief Executive Officer of that local authority—

30. Contents of Outline Development Plan.—(1) An Outline Development Plan shall—

(a) indicate broadly the manner in which the land in the planning area is proposed to be used;

(b) allocate areas or zones of land for use—

(i) for residential, commercial, industrial and agricultural purposes;

(ii) for public and semi-public open spaces, parks and playgrounds; and

(iii) for such other purposes as the Planning and Development Authority may think fit;

(c) indicate, define and provide—

(i) for existing and proposed national highways, arterial roads, ring roads and major streets; and

(ii) for existing and proposed lines of communications, including railways, tramways, airports and canals;

(d) regulate within such zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land.

(2) An Outline Development Plan may also indicate, define and provide for—

(a) the existing and proposed public and semipublic buildings; and

(b) all or any of the purposes and matters as may be indicated, defined and provided for in the Comprehensive Development Plan under section 32.

(3) Subject to such rules as may be prescribed regulating the form and contents of an Outline Development Plan any such plan shall include such maps and such descriptive matter as may be necessary to explain and illustrate the proposals contained in that Plan.

Assembly Hall,
Panaji,
28th June, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

The following Bill which was introduced in the Legislative Assembly of Goa on 7-7-95 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 10th July, 1995.

The Goa Legislative Diploma No. 645 dated 30-3-1933 (Amendment) Bill, 1995

(Bill No. 18 of 1995)

A

BILL

to amend the provisions of the Legislative Diploma No. 645 dated 30-3-1933 in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty Sixth Year of the Republic of India as follows:—

1. *Short title and commencement:*— (1) This Act may be called the Goa Legislative Diploma No. 645 dated 30-3-1933 (Amendment) Act, 1995.

(2) It shall come into force at once.

2. *Amendment of Article 2.*— In Article 2 of the Legislative Diploma No. 645 dated 30-3-1933 for paras 1, and 2, the following shall be substituted, namely:—

"Para 1— Any person above eighteen years of age, residing within the jurisdiction area of Temple (Devastan) and professing Hindu Religion shall be admitted as a member (Mazane) on applying to the Administrator irrespective of race, cast, and sect of family groups on payment of Rs. 200/- (Rupees two hundred only) as the membership and agrees to pay annual subscription.

Para 2— Every membership application shall be admitted or rejected by the Administrator having jurisdiction and accordingly maintain the membership register up-to-date, in case any application is rejected, reasons to be recorded in writing thereof, membership shall be transmitted to his legal heir or any interested person subject to the preceding para on payment of transfer fee of Rs. 50/- (Rupees Fifty only)."

3. *Insertion of new para.*— After para 2 of Article 2 of the Principal Regulation, the following new para shall be inserted, namely:—

"Para 3— Every member (Mazane) shall be liable to pay annual subscription of Rs. 50/- (Rupees Fifty only). In default of the annual subscription for the period of four consecutive years, his membership fee shall be liable to be forfeited and ceased membership till the period, he remits the full subscription amount.

4. *Amendment of Article 17.*— In Article 17 of the Principal Regulation, the words "of the groups

or family groups of which the bodies of members (mazanias) are composed, tribe, "gotra" (progeny comprising various families), when the associates are brahmins, class and surname of the members (mazanias) rights and obligations, honours and responsibilities of each family groups and of families within the family groups, cult, obligatory religious acts and festivities, fund receipts and expenditure, servants and their obligations and pay, rates of cultural and festive acts, and any other provisions that may not be in opposition to this Regulation and to the general law." shall be deleted.

Statement of Objects and Reasons

This amendment is proposed so as to confer the rights on Hindu females to become the Mazanias (Members) of the Temples (Devastan) who resided within the jurisdiction of the Temples.

This Bill seeks the insertion of new section.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
27th June, 1995

PRAKASH VELIP

M. L. A.

Assembly Hall,
28th June, 1995

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 18 of 1995)

The Goa Legislative Diploma No. 645 dated 30-3-1933
(Amendment) Bill, 1995.

Legislative Diploma No. 645 dated 30-3-1933

Article 2—A body of members (mazanias) shall be the association of components of a Hindu temple, constituted according to the rite of their religion, for the exercise of cult.

Para 1—Members (mazanias) shall be those who, according to the respective bye-laws, enjoy this quality, in which their male descendants in direct line and those adopted according to the respective Code of usages and customs shall succeed.

Para 2—The quality of member (mazane) by hereditary right and birth-right shall be intransmissible.

Art. 17—The bodies of members (mazanias) in order to have a legal constitution, shall be required to have bye-laws approved by Government, wherein, it should be mentioned the designation of the Devasthan & their dependent temples, "of the groups or family groups of which the bodies of members (mazanias) are composed, tribe, "gotra" (progeny comprising various families), when the associates are brahmins, class and surname of the members (mazanias) rights and obligations, honours and responsibilities of each family group and of families within the family groups, cult, obligatory religious acts and festivities, fund receipts and expenditure, servants and their obligations and pay, rates of cultural and festive acts, and any other provisions that may not be in opposition to this Regulation and to the general law".

Assembly Hall,
Panaji,
28th June, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa

Notification

LA/A/1840/1995

In pursuance of Rule 269 of the Rules of Procedure and Conduct of Business of Goa Legislative Assembly the following documents which were laid on the Table of the House of Goa Legislative Assembly on 12th July, 1995 are declared to be published for general information.

1. Finance Accounts 1993-94.
2. Appropriation Accounts 1993-94.
3. Report of the Comptroller and Auditor General of India for the year ended 31st March, 1994—Government of Goa.

Ashok B. Ullman, Secretary (Legislature).

Panaji, 13th July, 1995.